

The Honorable Robert S. Lasnik
The Honorable Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LON BIASCO,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

Case No.: C19-01854-RSL-MLP

STIPULATED MOTION AND
[PROPOSED] ORDER TO LIFT
THE STAY AND JOINT STATUS
REPORT

Noted for Consideration
January 20, 2022

The parties hereby jointly stipulate and move to lift the stay of this case.

The parties previously agreed to stay the case pending a decision by the Equal Employment Opportunity Commission (“EEOC”) regarding whether it would agree to consider the claim in this case (whether Plaintiff’s 2016 annual performance evaluation was retaliatory, the “claim”) with Plaintiff’s other complaint that is currently pending before the EEOC that involves a similar issue. The parties agreed that if the EEOC agreed to hear the claim as timely, the parties would file a stipulation to dismiss this case.

However, while the matter was pending before the EEOC, Plaintiff withdrew his request for a hearing on the matter. Plaintiff states that the EEOC AJ could not commit to a timeframe for resolution so Plaintiff withdrew his request for a hearing on the matter and requested the

1 matter be addressed in a Final Agency Decision (“FAD”). The claim was not resolved with the
 2 FAD. The EEOC never issued a decision regarding whether the claim was timely. Because the
 3 matter is no longer before the EEOC, the stay can be lifted in this case.

4 Therefore, the parties request that the Court lift the stay in this case and issue an amended
 5 case schedule.

6 The parties propose the following dates for an amended case schedule:

7 -Reports of expert witnesses under FRCP 26(a)(2) due June 6, 2022.

8 -All motions related to discovery must be filed by June 13, 2022.

9 -Rebuttal expert disclosures under FRCP 26(a)(2) due July 6, 2022.

10 -Discovery to be completed by August 8, 2022.

11 -All dispositive motions and motions to exclude expert testimony

12 for failure to satisfy Daubert due by September 29, 2022.

13 IT IS SO STIPULATED.

14 DATED: January 20, 2022

s/ Lon Biasco
 LON BIASCO
 Plaintiff
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NICHOLAS W. BROWN
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20 DATED: January 20, 2022

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ORDER

IT IS SO ORDERED.

The stay of this case is lifted. The Court will issue an amended case schedule consistent with the parties' stipulation.

Dated this 21st day of January, 2022.



MICHELLE L. PETERSON
United States Magistrate Judge